

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-2 (Canceled)

3. (Currently Amended) A computer implemented method for regulating data consumption in a wireless network, comprising the steps of:

storing by a first computer an account in a computer memory for each of a plurality of users subscribers of the wireless network, each account comprising data corresponding to having an upstream and a downstream network usage balance, and a defined usage level for the network;

tracking a wireless network data consumption amount of the network by each of the plurality of users respective subscriber of the wireless network via the wireless network;

wherein when either the upstream or downstream balance of the account of a user subscriber of the wireless network drops below the a-defined usage level for the account, imposing a more restrictive bandwidth on the continuing network usage of that user subscriber; and

wherein each subscriber has its own defined level; and

for each account, crediting by the first computer at least one of the upstream and downstream network usage balance of the respective account in the computer memory on an intermittent basis.

4. (Canceled)

5. (Original) The method of claim 3, wherein the step of crediting is performed on a periodic basis.

6. (Original) The method of claim 3, wherein the step of crediting includes crediting the balance of each account by an amount that depends upon the balance of the respective account.

7. (Currently Amended) The method of claim 3, wherein when the balance of the account of that user subscriber rises above a predetermined level, imposing a less restrictive bandwidth on the continuing network usage of that user.

8. (Currently Amended) The method of claim 7, wherein imposing a less restrictive bandwidth comprises releasing the more restrictive bandwidth imposed on the user.

9. (Currently Amended) The method of claim 3, further including a step of, for each of the users subscribers, reducing at least one of the upstream and downstream network usage balance of the account of the respective user subscriber by an amount based upon a volume of network data consumption by that user subscriber.

10. (Currently Amended) The method of claim 3, further including a step of sending information to each of the users subscribers—indicating at least one of the upstream and downstream network usage balance of the account of each respective user subscriber.

11. (Previously Presented) The method of claim 3, wherein the upstream and downstream balance for each account is presented to the user.

12 (Canceled)

13. (Currently Amended) The method of claim 3, wherein at least one of the upstream and downstream network usage balance for each account is a burst balance.

14. (Currently Amended) The method of claim 3, wherein the imposing a more restrictive bandwidth imposed on the user limitation further depends upon at least one of a time of day and a current network congestion level.

15. (Currently Amended) The method of claim 3 comprising regulating a bandwidth available to a network subscriber user of the network, said available bandwidth based on whether

a predetermined volume of data has previously been consumed by the usersubscriber.

16. (Currently Amended) The method of claim 15, wherein the available bandwidth is regulated based on whether the predetermined volume of data has been consumed by the user subscriber over a defined window of time.

17. (Original) The method of claim 15, further including a step of sending information to the user subscriber indicating whether the bandwidth is being regulated.

18. (Previously Presented) The method of claim 3 wherein the wireless network is configured to regulate a bandwidth available to one of the users subscribers—based on whether a predetermined volume of data has previously been consumed by that usersubscriber.

19. (Currently Amended) The method of claim 18, wherein the accounts for each of the plurality of users are stored in method utilizes a computer coupled to a database, the database storing an overall account balance for each of the plurality of userssubscribers, the overall account balance depending upon a volume of data previously consumed by a respective usersubscriber.

20. (Currently Amended) The method of claim 19, wherein the first computer is configured to regulate the bandwidth available to a user one of the subscriber responsive to the overall account balance of that user subscriber dropping below a defined level.

21. (Currently Amended) A computer implemented method in a wireless network for regulating data consumption in a network, comprising steps of:

storing by a first computer an upstream balance and a downstream balance in a computer memory for each of a plurality of users subscribers of the wireless network, each balance tracking a different aspect of wireless network data consumption of the respective user subscriber via the network;

imposing a more restrictive bandwidth on the continuing network usage of a user

subscriber responsive to at least one of the balances of that user subscriber of the wireless network dropping below a defined usage level for the network, wherein each user subscriber has its own defined usage level; and

for each user subscriber of the wireless network, crediting by the first computer at least one of the balances of the respective user in the computer memory subscriber of the wireless network on an intermittent basis.

22. (Canceled)

23. (Currently Amended) The method of claim 21, wherein the plurality of balances for each user subscriber are stored in the computer memory in a same account of the respective user subscriber.

24. (Currently Amended) A computer implemented method for regulating data consumption in a network, comprising the steps of:

storing by a first computer an account in a computer memory for each of a plurality of users subscribers of the network, each account comprising data corresponding to having at least a downstream balance and a first downstream bandwidth;

tracking a network data consumption amount of the network by each of the plurality of users respective subscribers of the network;

assigning a user subscriber a second downstream bandwidth corresponding to a which allows downstream data flow at a level more restrictive than the first downstream bandwidth when the downstream balance of the account of the user a subscriber of the network drops below a defined level; and

for each account, crediting by the first computer the downstream balance of the respective account in the computer memory on an intermittent basis.

25. (Currently Amended) A computer implemented method for regulating data consumption in a network, comprising the steps of:

tracking a the data usage amount for each of a plurality of users of a network; and

dynamically adjusting the amount of available bandwidth to each of the users by decreasing an the amount stored in a computer memory by the first computer corresponding to of bandwidth allocated to a particular user in response to a high rate of usage, and increasing an the amount stored in the computer memory by the first computer corresponding to of bandwidth allocated to a particular user in response to a low rate of usage and restoring a user to a default bandwidth amount stored in the computer memory by the first computer in response to passage of time without usage.

26. (Currently Amended) A computer implemented method for regulating data consumption in a network, comprising the steps of:

maintaining by a first computer an entry for data usage in a computer memory for of each of a plurality of users of a network; and

dynamically adjusting by the first computer an the amount of available bandwidth for to each of the users by allowing data to flow at a level less than a first level of bandwidth allocated to a particular user by lowering an the amount of throughput in response to a high rate of usage and allowing data to flow at the first level in response to a low rate of usage after a passage of time with a low rate of usage.

27. (Currently Amended) A computer implemented method for regulating data consumption in a network, comprising the steps of:

tracking by a first computer a the data usage amount for of each of a plurality of users of a network; and

dynamically adjusting by the first computer the amount of available bandwidth to each of the users by increasing the amount of bandwidth allocated to a particular user in response to a high rate of usage and restoring a user to a default bandwidth in response to passage of time without usage.

28. (Currently Amended) A computer implemented method for regulating data consumption in a network, comprising the steps of:

maintaining by a first computer an entry corresponding to a for data usage amount for of

each of a plurality of users of a network; and

dynamically adjusting by the first computer the amount of available bandwidth to each of the users by allowing data to flow at a level higher than a first level of bandwidth allocated to a particular user by raising the amount of throughput in response to a high rate of usage and allowing data to flow at the first level in response to a low rate of usage after a passage of time with a low rate of usage.

29. (New) An apparatus comprising:

a processor controlling at least some operations of the apparatus;

a memory storing computer executable instructions that, when executed by the processor, cause the apparatus to perform:

storing an account for each of a plurality of users of the network, each account comprising data corresponding to an upstream and a downstream network usage balance, and a defined usage level for the network;

tracking a data consumption amount of the network by each of the plurality of users;

wherein when either the upstream or downstream balance of the account of a user of the network drops below the defined usage level for the account, imposing a more restrictive bandwidth on the continuing network usage of that user; and

for each account, crediting at least one of the upstream and downstream network usage balance of the respective account on an intermittent basis.